

Amendment No. 1 to HB1016

Farmer  
Signature of Sponsor

**AMEND Senate Bill No. 1163**

**House Bill No. 1016\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-2-601(a)(1), is amended by deleting the subdivision and substituting instead the following:

(A) Within fifteen (15) months from the date of qualification, the personal representative shall make an accounting with the clerk of the court exercising probate jurisdiction in the county of the estate.

(B) If all court accountings are waived pursuant to subdivision (a)(4), the personal representative is not required to file a detailed accounting unless:

(i) The estate has remained open with unresolved issues for a period of more than two (2) years; or

(ii) One (1) or more of the distributees of the residue makes application to the court requesting a detailed accounting of the personal representative and the court finds that the detailed accounting is necessary.

(C) If the estate has not been closed by the date that is fifteen (15) months from the personal representative's date of appointment, the personal representative shall file a status report that advises the court as to the actions, as enumerated in subdivision (b)(1), the personal representative must complete to close an estate that have not been completed and why. The status report must be filed within thirty (30) days of the date that is fifteen (15) months from the personal representative's date of appointment.

SECTION 2. Tennessee Code Annotated, Section 30-2-601(b)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

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(1) That the personal representative has properly administered the estate, has paid or settled all claims that were lawfully presented, has paid all expenses of administration, has mailed or delivered notice of the requirement to file claims, as prescribed in § 30-2-306(d), to the creditors of the decedent who were known to or reasonably ascertainable by the personal representative, has for estates where the death occurred prior to January 1, 2016, filed with the court a final receipt from the department of revenue unless waived pursuant to § 67-8-409(g), has distributed the estate according to the will and obtained and filed receipts for specific bequests as required by § 30-2-707, or has distributed the estate according to the laws of intestate succession; and

SECTION 3. Tennessee Code Annotated, Section 30-2-601(b), is further amended by adding the following language as a new subdivision (3):

(3) If the personal representative has made diligent efforts, satisfactory to the court, to obtain an acknowledgement from any distributee, and one (1) or more have failed to comply, the personal representative may move the court for closure of the estate by giving notice of the pending settlement to the non-compliant distributee.

Failure of the non-compliant distributee to appear or participate in the hearing shall result in a final order closing the estate.

SECTION 4. Tennessee Code Annotated, Section 30-2-601(d), is amended by deleting the subdivision and substituting instead the following:

(d) In connection with any final settlement with the court, it is necessary for the receipt of any legatee or distributee to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public, in a form substantially equivalent to the following form:

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE:

IN THE MATTER OF THE ESTATE OF:

NO. \_\_\_\_\_

**RECEIPT AND WAIVER**

I, the undersigned, \_\_\_\_\_, being a beneficiary under the Last Will and Testament, or an heir at law in the estate of \_\_\_\_\_, deceased, do hereby acknowledge receipt of all of the benefits due me and satisfactory to me, in the above-referenced estate, which were subject to administration and still remaining after all debts of the decedent, the taxes, and the cost of administration were satisfied.

I, the undersigned, further acknowledge and waive any further notice of final settlement of this estate and excuse the personal representative from any and all court accountings and further acknowledge notification of the potential personal liability under Tennessee Code Annotated § 30-2-307(a)(2), if applicable.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, UNDER PENALTY OF PERJURY.

\_\_\_\_\_  
Beneficiary or Heir

(OR)

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Beneficiary or Heir

State of Tennessee  
County of \_\_\_\_\_

Personally appeared before me, the undersigned Notary Public for the above referenced county and state, who has proved to me on the basis of satisfactory evidence of who he or she is and who acknowledged that he or she executed the within instrument for the purposes therein contained.

Witness my hand and official seal, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

SECTION 5. Tennessee Code Annotated, Section 30-2-602, is amended by deleting the language "settle the accounts as prescribed" and substituting instead the language "settle the accounts or file a status report as prescribed".

SECTION 6. Tennessee Code Annotated, Section 30-2-701, is amended by deleting the period at the end of the section and substituting instead the language "in accordance with title 30, chapter 2, part 6."

SECTION 7. Tennessee Code Annotated, Section 30-2-707, is amended by deleting the last sentence of the section and substituting instead the following:

It shall be necessary for the receipt to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public. In the event that one (1) or more distributees refuse to acknowledge receipt of their respective share, the personal representative shall proceed to close the estate in accordance with title 30, chapter 2, part 6. The receipt shall be substantially equivalent to the following form:

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE:

IN THE MATTER OF THE ESTATE OF:

NO. \_\_\_\_\_

**RECEIPT AND WAIVER**

I, the undersigned, \_\_\_\_\_, being a beneficiary under the Last Will and Testament, or an heir at law in the estate of \_\_\_\_\_,

deceased, do hereby acknowledge receipt of all of the benefits due me and satisfactory to me, in the above referenced estate, which were subject to administration and still remaining after all debts of the decedent, the taxes, and the cost of administration were satisfied.

I, the undersigned, further acknowledge and waive any further notice of final settlement of this estate and excuse the personal representative from any and all court accountings and further acknowledge notification of the potential personal liability under Tennessee Code Annotated § 30-2-307(a)(2), if applicable.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, UNDER PENALTY OF PERJURY.

(OR)

\_\_\_\_\_  
Beneficiary or Heir

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Beneficiary or Heir

State of Tennessee  
County of \_\_\_\_\_

Personally appeared before me, the undersigned Notary Public for the above referenced county and state, who has proved to me on the basis of satisfactory evidence of who he or she is and who acknowledged that he or she executed the within instrument for the purposes therein contained.

Witness my hand and official seal, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires:

\_\_\_\_\_

SECTION 8. This act shall take effect July 1, 2017, the public welfare requiring it.